

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Johnnie Wayne Davenport**

**Docket No. 2:11-CR-20-1H**

**Petition for Action on Supervised Release**

COMES NOW Jonathan A. Holmes, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Johnnie Wayne Davenport, who, upon an earlier plea of guilty to Receipt of Child Pornography, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on November 9, 2011, to the custody of the Bureau of Prisons for a term of 97 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of life.

Johnnie Wayne Davenport was released from custody on July 23, 2018, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant was convicted of Receipt of Child Pornography. At the time of his conviction the defendant was placed under the NCE Sex Offender Program conditions. An assessment was completed by Dr. Andres Hernandez. Based upon the assessment, it is recommended that the conditions implementing the NCE Sex Offender Program be removed and the following specific conditions be added.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall not enter adult bookstores, sex shops, clubs or bars with exotic or topless dancers, or massage parlors.
2. The defendant shall not associate or have verbal, written, telephonic, or electronic communications with any person under the age of eighteen (18), except: (1) in the presence of the parent or legal guardian of said minor; (2) on the condition that the defendant notifies the parent or legal guardian of the defendant's conviction or prior history; and (3) with specific, written approval from the U.S. Probation Officer. This provision does not encompass persons under the age of eighteen with whom the defendant must deal in order to obtain ordinary and usual commercial services (e.g., waiters, cashiers, ticket vendors, etc.).
3. The defendant shall not use, purchase, possess, procure, or otherwise obtain any computer or electronic device that can be linked to any computer networks, bulletin boards, internet, internet service providers, or exchange formats involving computers unless approved by the U.S. Probation Officer.
4. The defendant shall not possess any legal or illegal pornographic material, including any materials depicting and/or describing "child pornography" and/or "simulated" child pornography as defined in 18 U.S.C. § 2256, nor shall the defendant enter any location where such materials can be accessed, obtained, or viewed, including pictures, photographs, books, writings, drawings, videos, or video games.

**Johnnie Wayne Davenport**

**Docket No. 2:11-CR-20-1H**

**Petition For Action**

**Page 2**

5. The defendant shall not have any social networking accounts without the approval of the U.S. Probation Officer.
6. At the direction of the U.S. Probation Officer, the defendant shall submit to physiological testing, which may include, but is not limited to, polygraph examinations or other tests to monitor the defendant's compliance with probation or supervised release and treatment conditions.
7. The defendant shall submit to a psycho-sexual evaluation by a qualified mental health professional who is experienced in evaluating sexual offenders and who is approved by the U.S. Probation Officer.
8. The defendant shall participate in a sex offender treatment program as directed by the U.S. Probation Officer, and the defendant shall comply with and abide by all the rules, requirements, and conditions of the treatment program until discharged. The defendant shall take medication as prescribed by the treatment provider.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Jeffrey L. Keller

Jeffrey L. Keller

Supervising U.S. Probation Officer

/s/ Jonathan A. Holmes

Jonathan A. Holmes

U.S. Probation Officer

310 New Bern Avenue, Room 610

Raleigh, NC 27601-1441

Phone: 9196104087

Executed On: September 10, 2018

**ORDER OF THE COURT**

Considered and ordered this 25th day of September, 2018, and ordered filed and made a part of the records in the above case.



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Malcolm J. Howard

Senior U.S. District Judge